BRITISH COLUMBIA

Interim Governance Policy

for the

Land Reserve Commission

May, 2002

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I. INTRODUCTION

The need for effective corporate governance is well recognized and has received much attention in the private sector. Throughout North America, corporate boards of directors are implementing and monitoring governance systems to codify the standards of conduct expected of their corporation, its management and themselves.

The Land Reserve Commission is similar to a corporate board of directors, but the analogy is not exact. The Commission is a government agency with the primary mandate to administer legislation in the public interest. The Commission is accountable to the government and to the public which represent a broad range of interests, rather than the limited interests of a company and its shareholders.

The Land Reserve Commission has significant regulatory powers that affect individual property rights and may supersede the authority of elected local governments. Commission members are appointed by the government, rather than elected, and the Commission operates with a high degree of independence from the government.

Accordingly, there is an expectation that the Commission will govern itself in a manner that ensures that the needs of the people it serves are met, that its processes are open and transparent, and that its mandate is modern and relevant.

The Commission has therefore adopted this Governance Policy with two purposes:

- to ensure that appropriate processes and standards for conduct for the Commission, its Members and its management are established and monitored; and
- to set out standards and processes that the Commission considers the ideal for meeting its responsibilities.

The Members of the Commission expect to be held accountable for the effectiveness of this Policy. It is the Members' belief that this act of leadership will materially assist the Commission to be a responsive and effective regulator.

II. INTERPRETATION

A. DEFINITIONS

In this Policy,

"Legislation" means the *Agricultural Land Commission Act* and the regulations and rules made under the legislation, unless otherwise specified;

"Act" and "*ALCA*" mean the *Agricultural Land Commission Act, 2002*, unless otherwise specified;

"ALR" means the Agricultural Land Reserve;

"FLR" means the Forest Land Reserve;

"Minister" means the Minister responsible for the *ALCA,* unless otherwise specified.

"Commission" means the Members constituted as the commission under the Act (as distinct from its organization and staff);

"Land Reserve Commission" and "LRC" mean the Commission together with the organization and staff employed to administer the legislation;

"Chair" means the Chair of the Commission;

"Vice-Chair" means a member appointed as a Vice-Chair and responsible for a panel;

"Member" means a member appointed to the Commission pursuant to the Act;

"CEO" means the Chief Executive Officer of the LRC;

"Decision" and "Order" mean a decision of the Commission made under a power or right conferred by the Legislation;

"Policy Instrument(s)" means policy statements, general orders and notices issued by the LRC.

D. INTERPRETATION

The Governance Policy, interpretation of the Policy and any amendments or revisions to the Policy will be applied as follows:

a) The Governance Policy does not supersede or take precedence over legislation, regulations or any other policy of the Commission.

b) The Governance Policy is not a legal document and will be interpreted broadly. It is for information and guidance, and is not intended to fetter the decision making authority of the Commission.

c) The Governance Policy will be made public and will be written in clear and simple language.

d) The Commission may amend this policy at any time. An amendment will become effective only if passed by a majority of members of the Executive Committee after consultation with all Members of the Commission.

III. ROLE OF THE COMMISSION AND ITS MEMBERS

A. INDEPENDENCE AND ACCOUNTABILITY

The Commission's responsibility for the administration of legislation includes adoption and evaluation of the Strategic/Service Plan, overseeing management, policy development, regulation and working with local governments and other communities of interest. To meet its responsibilities in each of these functions, the Commission ought to have the nature and degree of independence appropriate to the exercise of each function, and ought to be held accountable.

Accordingly, the Commission adopts the principles of ***independence*** and ***accountability***. Management is accountable to the Commission. The LRC is an agent of the government and is accountable to the government. Commission Members are appointed by the government and by extension are accountable to the public for the proper administration of the legislation and the effective governance of the LRC. Public accountability is reinforced through the requirement of an annual report, a financial statement and a Service Plan to be filed with the Minister by June 30th of each year.

However, the LRC is a corporate entity distinct from the government and is designated as the agency responsible for the administration of the *Agricultural Land Commission Act*[1]. The legislation grants the LRC broad discretionary powers over such matters as which lands should be included into the ALR and land use and subdivision within the ALR. In addition, the Commission has broad powers to ensure that local plans are in compliance with the *ALCA*. The LRC is also empowered under legislation to investigate, to hold hearings, levy fines and to seek court orders to ensure compliance with its orders.

The Government and the public expect the LRC to act in the public interest. In addition, the Commission is a quasi-judicial administrative tribunal and must adhere to the principles of administrative law. The Commission has been recognized by the courts as an expert tribunal whose decisions are worthy of considerable judicial deference. These factors dictate that the LRC operate independently in its regulatory and policy making capacities, within the parameters of the legal and accountability frameworks.

For all these reasons, it is important that the LRC function, and be seen to function, with an appropriate degree of independence from the government and other interests. This policy includes a number of initiatives that the Commission believes will foster and preserve appropriate degrees of independence and accountability.

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[1] The Commission is also responsible for the administration of forest practices on private land in the FLR and private managed forest land in the ALR under the *Forest Land Reserve Act*. As a result of the Core Services Review, the administration of forest practices will be transferred to another agency or the industry by April, 2003. Guidelines regarding the Commission's role in forest practices are contained in Appendix A.

B. Governance System

The Commission is responsible for establishing and maintaining governance practices for the LRC that will enhance the LRC's ability to meet its purposes, values and goals through the adoption of this policy, a Service Plan and other policy instruments.

The Commission will advise the Minister of the resources required to perform its duties. If resources are insufficient, changes will be made in the Service Plan, in consultation with the Minister, to ensure that the services delivered reflect the level of resources available.

Where the Commission makes a recommendation to the government to strengthen the land reserve system, it will be communicated by the Chair (unless indicated otherwise) to the Minister responsible for the LRC.

C. Commission Size and Organization

The minimum size of the Commission is set at 7 Members by the *ALCA*. However, a total of 19 members including the Chair and 6 Vice-Chairs is considered optimal for carrying out the core business of the Commission. The Commission will make recommendations when appropriate to the government respecting the number of Commissioners required to achieve the objectives of the legislation.

Strategic leadership of the Commission is provided by a Chair and an Executive Committee comprised of the Chair and six Vice-Chairs. The Executive Committee is responsible for setting strategic direction, in consultation with the full Commission, through means such as a Service Plan, developing and approving policies, recommending legislative and regulatory changes and reporting on results. Terms of Reference for the Executive Committee are contained in Section IV (a) of this Policy and guidelines regarding the operation of the Executive Committee are outlined in Section VI (a).

Decisions on matters under the legislation such as applications and working with local governments are the responsibility of Commission panels. In the interest of enhancing regional responsiveness, there are 6 panels located in regions of the province. Each panel should consist of a Vice-Chair of the Commission plus two regular Members. Terms of Reference for panels are contained in Section IV (b) of this Policy and guidelines regarding the operation of panels are outlined in Section VI (b).

D. Composition and Appointments

1. Composition

The Commission believes that the Members of the Commission should represent a variety of skills, experience and educational background, including knowledge in agriculture, land use planning and local government. The Commission will prepare a Commission Selection Criteria Profile (attached as Appendix B). The Selection Criteria Profile will be updated as required to reflect the changing needs of the Commission.

2. Appointment of Members

The authority to appoint the Chair, Vice-Chairs and Members rests with the government. The Commission, however, will prepare skills and experience profiles, recommend candidates to fill vacancies and assist in the selection process as necessary or appropriate. The Commission will follow the Board Resourcing and Development Office's Appointment Guidelines for Administrative Agencies at such time that they are completed and will revise this Policy as required.

The Commission adopts the following governing principles for the appointment process:

Merit-Based: Appointments are governed by the overriding principle of selection based on merit - an objective assessment of the fit between the skills and qualifications of the prospective candidate and the needs of the Commission.

Transparent: The appointment process guidelines are clear and understandable and available to the public.

Consistent: The appointment process is applied consistently in respect of all appointments to the Commission.

Probity: Commission members must be committed to the principles and values of public service and perform their duties with integrity.

Proportionate: The appointments process is subject to the principle of proportionality; that is, the process is to be appropriate for the nature of the post and its responsibilities.

The Commission believes that all members, including the Chair and Vice-Chairs, should be appointed for an initial one-year term during which their performance will be assessed.

3. Reappointments

The Commission believes that Members ought to be eligible for reappointment. The initial one-year appointment represents an investment of time and resources on the part of both the Member and the Commission directed toward the Member's becoming an experienced and fully productive Member. Assuming the Member has brought the skills and experience to the position that it was anticipated he or she would, it makes sense to reappoint the Member for subsequent terms, if the Member is willing to serve.
The Commission recommends that terms of appointment be staggered, in order to promote continuity of membership of the Commission and of panels.

4. Appointment of CEO

The responsibility for the appointment of the CEO rests with the government pursuant to Section 8(1) of the *ALCA*. However, the Commission believes that the selection of the CEO should be based on the merit principle and recommends that a selection process,

similar to that of the recruitment process for the public service, be utilized. Note that the Chair and CEO may be the same person.

5. Other Senior Management Positions

The responsibility for filling these positions rests with the Chief Executive Officer.

E. Remuneration of Members

The remuneration of Members is established by the government. Current per-diems are as follows:

Chair:	$350
Vice-Chairs:	$300
Members:	$250

F. Member Orientation

The LRC is responsible for ensuring that an appropriate program of orientation is available for new Members.

G. Standards for Conduct

1. Purpose of Standards for Conduct

The Standards for Conduct for the Commission are intended to achieve the following:

- To ensure that the actions of the Commission and of Commissioners are legally and morally defensible, and demonstrate fairness, integrity, impartiality and accountability.
- To provide guidelines for the conduct of Commissioners and for potential conflicts of interest.
- To establish a process for addressing possible violations of the Standards for Conduct.

Members will also refer to government guidelines for appointments to agencies, board and commissions for guidance.

2. Actions and Expectations

Commissioners, including the Chair and Vice-Chair(s), are expected to carry out their duties with reference to the following guidelines:

a) Commissioners will recognize and respect the rules of natural justice and codes of administrative practice and fairness, as evolved by the courts and other tribunals and organizations.

b) Commissioners are expected to act at all times in good faith and with honesty and due diligence, for the public interest.

c) Commissioners' duties will not result in any personal or private financial or other substantive gain other than honouraria for Commission service.

d) Commissioners will ensure that they maintain an appropriate level of knowledge of legislation, regulations, policy statements and decisions.

e) Commissioners will ensure that they have sufficient information to make an informed decision by reading the material provided prior to meetings and questioning staff as required.

f) Commissioners will participate fully and frankly in the proceedings of the Commission and in the governance of the Land Reserve Commission.

g) Commissioners will consider the implications for the independence, integrity and effectiveness of the Commission before commenting publicly on matters concerning the Commission.

h) Commissioners will avoid commenting publicly on applications or potential applications prior to a decision, in order to preserve their ability to make decisions without bias and pre-judgement.

i) Commissioners will not release the outcome or details of Commission discussions prior to the release of a written decision.

j) Commissioners will not reveal or divulge confidential information (defined as that which cannot be obtained legally from other sources) received in the course of their duties. Confidential information must not be used for any purpose other than the work of the Commission. The Commission and its members are subject to the *Freedom of Information and Protection of Privacy Act.*

k) The conduct and language of Commissioners must be free of any discrimination or harassment based on any grounds prohibited by the *Human Rights Code* or guidelines of the provincial government. Member conduct while representing the Commission will reflect social standards of courtesy, respect and dignity.

l) Commissioners will respect other members' right to express their views and opinions, and will maintain a collegial and professional relationship with other members.

m) Commissioners will maintain an excellent attendance record at regular meetings and will advise the Vice-Chair and/or Chair/CEO in advance if they will be absent.

3. Conflicts of Interest

Commissioners, including the Chair and Vice-Chair(s), must avoid any real or perceived conflicts of interest that could impair the independence and integrity of the Land Reserve Commission. The following guidelines apply to conflicts of interest:

a) No land in which a Commissioner has a direct or indirect interest shall be the subject of an application to the Commission.

b) Commissioners will ensure that personal financial interests, assets and holdings are distinct from and independent of any decision, information or other matter that may be heard or acted upon by the Commission.

c) Activities undertaken as a private citizen will be kept separate and distinct from any responsibilities held as a Commissioner.

d) Commissioners will ensure that personal interests and affiliations remain distinct from work undertaken as a member of the Commission and that the Member's performance of duties as a Commissioner does not cause or suggest that his or her private gain or interest may be affected.

e) Commissioners will ensure that other memberships, directorships, voluntary or paid positions or affiliations remain distinct from work undertaken in the course of performing their duties as public appointees.

f) Commissioners will ensure that personal employment is not dependent on any decision, information or other matter that may be heard or acted upon by the Commission.

g) In the course of performing their duties, Commissioners will remain impartial and will avoid taking any action that will give preferential treatment to friends, relatives or affiliates.

h) Commissioners will not accept gifts or hospitality that may create or appear to create a conflict of interest, unless they are a normal and customary gesture of courtesy and would be considered reasonable and appropriate in that particular circumstance.

i) Commissioners will disclose any potential conflicts of interest to the Chair, Vice-Chair of their panel and the Chief Executive Officer. The Chair and Vice-Chair(s) shall also disclose potential conflicts of interest to other Vice-Chairs, Members and the CEO. If there is any doubt as to whether a potential conflict of interest may exist, the commissioner should consult independent legal counsel (i.e. counsel not retained by the Commission).

j) If potential conflict of interest situations arise during the course of a meeting of the Commission, the Member must declare the conflict and remove him or herself from the meeting room, and will not discuss or vote on the matter.

k) Members may vote on matters in which they have an interest, if the decision relates to the regulation of a large group and will not affect the member in a different manner than any other member of the group - e.g. a Member who owns

lands within the Agricultural Land Reserve may vote on a policy regarding specific uses on all lands within the Reserve. If there is any doubt that a potential conflict of interest may exist, the member should consult with the Chair, and if necessary, with independent legal counsel.

l) If it comes to the attention of a Commissioner that a real or perceived conflict of interest has occurred relating to themselves or another member, the Member will disclose it to the Vice-Chair, Chair and Chief Executive Officer immediately. The Chair or Vice-Chairs shall likewise disclose any real or perceived conflicts of interest to the Chair (or the case of the Chair, to the Vice-Chairs) and Chief Executive Officer, and Members.

4. Violations of the Standards for Conduct

The following process applies to the investigation of any potential violation of the Standards for Conduct:

a) If a potential violation of the Standards for Conduct is identified, the Chief Executive Officer, in consultation with the Chair and the Vice-Chair of that panel, may take actions deemed reasonable and necessary to determine the circumstances of the potential violation and to recommend a remedy or sanction.

b) If the potential violation involves the Chair, the Chief Executive Officer will consult with the Vice-Chairs. If in this case the Chair and Chief Executive Officer are the same person, a senior member of management and the Deputy Minister of Sustainable Resource Management shall investigate the circumstances of the potential violation, in consultation with the Vice-Chairs.

c) The actions taken to determine the circumstances of the potential violation may include, but are not limited to:

- an internal investigation into the circumstances of the violation;
- consultation with a government Conflict of Interest Commissioner, Board Resourcing and Development Office, Ethics Advisor, Human Rights advisor, Freedom of Information and Privacy coordinator, legal counsel, or other qualified advisor bound by confidentiality; and
- in the case of criminal actions, consultation with law enforcement agencies.

d) The remedies and sanctions that may be imposed on a member following an investigation include, but are not limited to:

- a private reprimand;
- public disclosure and/or reprimand;
- a recommendation to the Minister for suspension or dismissal; and
- legal proceedings.

IV. TERMS OF REFERENCE

Appointed members are the Board of Directors of the Commission and are responsible for the administration of the legislation. This includes five broad functions:

1) Strategic/Service Planning;
2) Policy Development;
3) Decisions on applications under the *ALCA*;
4) Working with local governments, First Nations, agencies and others to achieve the purposes of the *ALCA*; and
5) Overseeing Management.

The Commission, Chair, Executive Committee, Vice-Chairs, panels and CEO all have specific roles in the delivery of these functions which are outlined in the following terms of reference. However, the Commission as a whole remains accountable for ensuring that the functions are delivered and that the aims of the legislation are met. Individual Members are responsible at all times for ensuring the consistency of their actions with provincial objectives.

The process for development of the Service Plan is outlined in Appendix C.

A. TERMS OF REFERENCE OF THE COMMISSION

1. Strategic/Service Planning

The Commission is responsible for reviewing and approving annually the Service Plan and Annual Report for the Commission.

2. Policy

The Commission is responsible for reviewing and approving policies recommended to it by the Executive Committee. The Commission is also responsible for identifying policy areas that should be addressed by management if not already identified in the Service Plan and bringing these to the attention of the Executive Committee.

3. Delegation of Powers to the Executive Committee

The Commission, under subsection 10(3) of the *ALCA*, may delegate any of its functions to the Executive Committee.

Functions delegated to the Executive Committee include:

- Strategic/Service Planning (but not approval);
- Policy Development (but not approval); and
- Overseeing Management.

The functions delegated to the Executive Committee are further described in the Terms of Reference for the Executive Committee under section IV(c) and are delegated as per this Policy. The resumption of any delegated powers by the Commission requires an order of the Commission. This Policy will be amended to reflect any changes in delegated functions.

4. Delegation to Other Authorities

The Commission is responsible for approving delegation agreements negotiated with other authorities (e.g. agencies, boards and commissions) under Section 26 of the *Act*, as recommended by the Executive Committee.

B. Terms of Reference of the Chair

The Chair is responsible for:

a) Discharging his or her duty in an fair and impartial manner;

b) Reporting to the Minister(s) as required by legislation;

c) Achieving the goals and objectives of the Service Plan;

d) Liaising with the Chief Executive Officer regarding strategic issues, Commission operations and the support of the Land Commission Office;

e) Providing strategic leadership to the Commission;

f) Chairing and effectively managing meetings of the Executive Committee or of the Commission as a whole;

g) Creating, dissolving or modifying panels;

h) Ensuring that panels achieve the goals and objectives of the Service Plan;

i) Ensuring coordination between regional panels on cross-panel issues;

j) Maintaining good relations between Commission members and encouraging constructive debate and participation;

k) Working with the Vice-Chairs and Chief Executive Officer to monitor and enforce the Governance Policy;

l) Ensuring that a Vice-Chair is selected to substitute for the Chair in periods of absence;

m) Liaising with the public, local governments, stakeholders and the press on behalf of the Commission;

n) Ensuring that the Commission is appropriately represented at functions and on occasions where it is in the Commission's interest to be so represented; and

o) Communicating effectively and persuasively the Commission's recommendations to the Minister(s).

Note that the Chair and CEO may be the same person. In such as case, the above terms of reference and the terms of reference for the CEO in subsection IV(f) of this Policy both apply.

C. Terms of Reference of the Executive Committee

1. Strategic/Service Planning

The Executive Committee is responsible for setting the strategic and policy direction for the Land Reserve Commission, in consultation with the full membership of the Commission. The Executive Committee has the responsibility to review with management and the full Commission annually a Service Plan, which includes the purposes, values and business goals of the LRC, and the strategy by which management proposes to ensure that the long term goals of the Service Plan are met.

The Executive Committee must ensure that the Service Plan:

a) positions the Commission to achieve the legislated objectives over the long term;

b) supports the public interest, the purpose and the values of the Commission;

c) recognizes external influences which affect the protection and utilization of resource values within the Agricultural Land Reserve;

d) recognizes government legislative and policy changes that affect agriculture within the Agricultural Land Reserve; and

e) sets appropriate policy and operational direction for the LRC.

In preparing the Plan, the Executive Committee will:

a) assess the purpose, values and goals of the Commission against current circumstances;

b) consider significant socioeconomic, technological and industry trends and events that affect agricultural resource protection and land use issues;

c) consider the effectiveness of the existing regulatory regime;

d) consult with the relevant communities of interest on strategic issues and any proposed revisions to the Plan that could result in significant changes in the policies and actions of the Commission; and

e) consult with all members of the Commission.

Approval and Monitoring

The Executive Committee's responsibilities include the following:

a) to recommend to and secure the full Commission's approval of the Service Plan;

b) to monitor performance against the Service Plan and to ensure that it is revised as necessary to meet changes in circumstances;

c) to ensure the implementation and integrity of appropriate internal control and management information systems;

d) where responsibility has been delegated to local governments, the Chief Executive Officer or other agencies, to ensure that appropriate performance standards are established and met by each delegated individual or organization;

e) to ensure that management has in place a risk management strategy to deal with potential impediments to achieving the objectives of the LRC;

f) to approve and monitor compliance with the significant operating policies and procedures of the LRC; and

g) ensure that the LRC complies with all applicable laws and regulations and operates to the highest ethical standards.

2. Policy Development

The Executive Committee's responsibilities include the following:

a) to identify policy areas which should be addressed by management if not already identified in the Service Plan;

b) to review and approve management's policy priorities;

c) to ensure that management adopts appropriate procedures for seeking and considering comment from interested parties when policy positions are being formulated, and that management brings forward comments when policy recommendations are made by management to the Executive Committee;

d) to review management's policy recommendations after consultation with all Members;

e) to recommend approval of policies to the full Commission;

f) to monitor the implementation and effectiveness of new policies; and

g) if necessary, provide recommendations to the appropriate Minister.

3. Application Processing

The Executive Committee's responsibilities include the following:

a) to ensure that the LRC has the resources, information, policies and procedures needed to process applications expeditiously and effectively; and

b) to monitor panel decisions to ensure the consistent approach to decision-making and enforcement (note: the Executive Committee does not have the ability to overturn a panel decision and will not consider any request for an appeal or reconsideration of a panel decision).

4. Overseeing Management

The Executive Committee does not involve itself in day-to-day management. This is the responsibility of the Chief Executive Officer. The Executive Committee's role with respect to management is analogous to that of a board of directors of a business corporation. In carrying out this role, the Executive Committee must be able to independently assess the effectiveness of the LRC and the performance of its management, based on the adopted Service Plan. The Executive Committee has the responsibility to ensure that management has adequate measures in place for the continuity of LRC functions in the event that existing management personnel are unable to carry out their duties.

5. Delegation to Other Authorities

The Executive Committee will negotiate and recommend to the full Commission that specified powers be delegated to other authorities (e.g. agencies, boards and commissions) under Section 26 of the *Act.*

The Executive Committee is responsible for ensuring that appropriate performance measures are in place and have been met by delegated authorities

D. Terms of Reference of Vice-Chairs

The Vice-Chair(s) are responsible for:

a) Discharging his or her duty in an fair and impartial manner;

b) Achieving the goals and objectives of the Service Plan including specific objectives for their region;

c) Chairing meetings of panels;

d) Conducting Commission panel meetings in a effective, efficient and focused manner;

e) Maintaining good relations between panel members and encouraging constructive debate and participation;

f) Ensuring that a Member is selected to substitute for the Vice-Chair in periods of absence;

g) Liaising with the public, local governments, stakeholders and the press on behalf of the Commission;

h) Reporting to the Executive Committee on activities within their regions;

i) Ensuring that senior management and the Executive Committee are aware of concerns and issues identified by members of the panel;

j) Reporting to panels on activities of the Executive Committee; and

k) Consulting with panel members prior to decisions of the Executive Committee.

E. Terms of Reference of Panels

1. Application Processing

Panels are responsible for decisions on applications submitted to the Commission. A decision of a panel is a decision of the Commission and there is no appeal to the Executive Committee or to the Commission as a whole.

Panels are responsible for:

a) ensuring that decisions on applications are made with fairness and in the public interest, and that decisions are made within the shortest reasonable time and communicated promptly;

b) ensuring that hearings/meetings are conducted in accordance with appropriate procedures and applicable legal requirements; and

c) for achieving the objectives and targets of the Service Plan regarding the processing of applications under the *ALCA*.

2. Delegation & Working with Local Governments and Other Communities of Interest

Panels' responsibilities include:

a) ensuring that the LRC develops good working relationships with local governments, first nations and other communities of interest;

b) ensuring that land use plans, including the plans and by-laws of local government, are consistent with the legislation, regulations and any decisions or orders of the Commission and can form the basis of delegation;

c) encouraging use of delegation powers by local government; and

d) entering into delegation agreements with local governments.

3. Service Planning

Panel Members are responsible for reviewing and providing input to the Service Plan as required.

4. Policy Development and Interpretation

Panels may exercise flexibility in the application of LRC policies in the same manner as the Commission. However, panels cannot change or create Commission policies.

Panel Members are expected to contribute to the development or revision of policies of the Commission as requested and to bring emerging policy issues to the attention of the

Commission Executive via the Vice-Chair. Panels will recommend to the Commission Executive policies specific to their region.

F. Terms of Reference of the Chief Executive Officer

The Chief Executive Officer shall:

a) lead and manage the staff of the LRC;

b) report to the Minister(s), the Commission, the Executive Committee and panels;

c) keep the Commission current on major developments, ensuring the Commission has sufficient information to permit it to fully discuss potential issues and to make decisions;

d) direct and monitor the activities of the LRC staff so that the LRC's objectives are achieved;

e) develop and recommend to the Executive Committee the overall structure and staffing of the LRC;

f) oversee the interfaces among the Executive Committee, panels, the industry and the public and other communities of interest;

g) exercise powers delegated by the Commission including (i) certain non-farm use and subdivision applications and exclusions where the principle has been approved by the Commission and (ii) applications under the *Forest Land Reserve Act* to include or remove lands from the Forest Land Reserve and the regulation of forest practices under the Private Land Forest Practices Regulation; and

h) liaise with the Ministry of Agriculture and Food, the Ministry of Forests, and other ministries and organizations which may have interactions with the LRC.

V. COMMISSION MEETINGS

A. GENERAL

A Commission Forward Agenda which sets the general dates of meetings of the full Commission, Executive Committee and meetings of panels is attached as Appendix D.

The following guidelines apply to all meetings of the Commission including the full Commission, Executive Committee and panels, with modifications as noted.

1. Agenda and Materials

The agenda for meetings will be drafted by the staff under the direction of the Chief Executive Officer. The Chair (or in the case of panels, the Vice-Chair), in consultation with the CEO, may make changes to the agenda at any time.

The agenda and a complete package of materials shall be sent to Members such that they are received by Members:

- for scheduled meetings, not later than the third business day prior to the date of the meeting; and
- for other meetings, as soon as practical.

The package of supporting material will identify which items require approval and which are for information only. The supporting material for items requiring approval will include staff and/or management recommendations and supporting analysis, if appropriate.

All materials for meetings of panels will be made available to the Chair.

2. Conduct of Meetings

The Chair of the Commission is the Chair of the full Commission and of the Executive Committee. Vice-Chairs are the chairs of the panels for their region of responsibility and are eligible to move or second a motion and vote. The Chair of the Commission may sit as a member of a panel as required, and shall also be eligible to move and second a motion and may vote. The Vice-Chair of the Panel will continue with their responsibilities unless it is agreed that the Chair shall assume those responsibilities.

Meetings shall begin on time. If progress of the meeting is not delayed by necessary discussion or other unavoidable factors, meetings shall end within a reasonable margin of the end time estimated on the agenda.

For items in respect of which approval is sought, a show of hands vote or other suitable polling procedure shall be taken following a motion duly made and seconded.

The chair of the meeting may cast the deciding vote in tie situations.

Items may be tabled, based on a show of hands vote following a motion duly made and seconded. Motions to table an item are not subject to debate.

3. Quorum, Majority and Consensus

Under the *Interpretation Act*, a majority of members constitutes a quorum. A simple majority of members present at the meeting (in the case of panels, generally 2 members) is sufficient to approve all matters requiring the Commission's approval. However, it is the Commission's general practice to reach decisions by consensus when possible. In respect of the following matters, it is particularly desirable that a high degree of consensus exists among all members:

- the adoption of Rules;
- recommendations to the government respecting amendments to the Legislation;
- amendments to this Policy or other policy instruments of the Commission; and
- in the case of panels, contentious applications.

Members declaring a conflict of interest will remove themselves from the discussion and the meeting room and will not vote on the matter for which the conflict may exist. Members declaring a conflict of interest will not be considered as part of the majority for the purpose of achieving quorum.

Members may be required by the Chair to substitute temporarily for members of other panels.

4. Meetings by Telephone/Videoconference

Meetings may be held by telephone, videoconference or other communications facilities that permit all participants in the meeting to hear each other. A Member who participates in the meeting by those means shall be counted as present at the meeting.

5. Appointment of an Acting Chair or Vice-Chair

If the Chair is not available for a meeting of the full Commission or the Executive Committee, the Chair shall designate a Vice-Chair to assume the acting Chair position. If the Chair cannot appoint someone, a quorum of the Commission or Executive Committee may do so.

If the Vice-Chair is not available for a panel meeting, the Vice-Chair shall select a Member to assume the acting Vice-Chair position. The Chair or a Vice-Chair of another panel may also substitute.

6. Minutes

Minutes shall be kept of all decisions of the Commission. For items in respect of which approval is sought, the minutes shall state whether the Commission's approval is given and indicate whether any members wish to be recorded as opposed to the motion, and other relevant information as requested by the Commission.

The Chair or Vice-Chair is responsible for "authorizing" that the minutes reflect the decision. The "authorizing" of the minutes does not signify that the minutes accurately reflect the proceedings verbatim, but only the decision.

7. Rules of Order

If a question of order or procedure arises that is not addressed by this Governance Policy, the Commission will refer to Roberts' Rules of Order.

8. Electronic Voting

Members who have received and reviewed the material relevant to a decision may vote through secure electronic means, such as password-protected e-mail.

B. Full Commission

The full Commission will meet at least once per year for the purpose of training, performance review, and policy and strategy discussions including a review of the Service Plan. The duration of meetings will depend on the number and complexity of items to be addressed.

The schedule of dates for meetings of the full Commission will be recommended by the Chief Executive Officer.

C. Executive Committee

The Executive Committee will meet 4-5 times per year and meetings will normally be 2 days in duration. Additional scheduled meetings, *ad hoc* meetings or additional meeting days may be required to adequately address issues that come before the Executive Committee.

The schedule of dates for Executive Committee meetings will be recommended by the Chief Executive Officer. The meeting dates will be set in their entirety for each fiscal year by January 30.

D. PANELS

1. Panel Meetings

Commission panels will generally meet up to 10 times per year and meetings will normally be 2-3 days in duration, depending on workload. Additional scheduled meetings, *ad hoc* meetings or additional meeting days may be required to adequately address issues that come before panels.

The schedule of dates for panel meetings will be recommended by the Chief Executive Officer. The meeting dates will be set as far in advance as possible, but may vary depending on workload. Panels will meet regularly, based on the volume of applications or the importance of issues.

Panels will meet in regional locations where practical. Panels may develop and make public a schedule of meetings and locations.

When a panel travels to a regional location, adequate notice will be given to the local government, applicants or other parties that may have an interest in attending or in making a presentation to the panel.

2. Site Visits and Meetings by Individual Members

Members will not conduct site visits or meet with applicants, local governments or others to discuss current or potential applications, except at the request of the Vice-Chair, the CEO or the full panel. If the Member is directed to attend such a meeting or to conduct a site visit, the Member will report back to the Commission panel on the results of the meeting in writing. The applicant will be provided a copy of the report. Staff members should attend when possible.

Members who receive inquiries from potential applicants may provide general advice on Commission policy and processes, but will avoid providing any opinion that could bias their decision on the matter.

Members are free to review applications and to view properties at any time for their own edification.

VI. INFORMATION & COMMUNICATIONS

A. COMMUNICATIONS PLANNING

The Commission has a responsibility to ensure that it communicates effectively with land owners, farmers and farm organizations, local and regional governments, other interested parties, the general public, government, and the Commission's management and employees. All of these audiences should be kept informed about the existing regulatory framework, proposed changes in policy and legislation, the performance of the LRC against the targets it sets for itself, and other issues. Communications should be drafted in a manner that ensures clarity of the message to the intended audience.

Effective communication must work both ways, so the Commission also has a responsibility to ensure that interested parties have effective means of communicating with the Commission, its management and its employees.

Accordingly, management shall prepare annually a Communications Plan that:

a) identifies the Commission's communications priorities and challenges;

b) identifies appropriate audiences and key messages for each audience;

c) identifies appropriate communication vehicles to reach each audience;

d) provides effective vehicles for communications from others to the Commission; and

e) provides objective means of measuring the effectiveness of the Commission's communications strategy.

The Communications Plan will be reviewed by the Executive Committee and the full Commission as part of, or in conjunction with, the Service Plan.

B. FREEDOM OF INFORMATION AND THE PROTECTION OF PRIVACY

The LRC will make all LRC records and information available to the public on request, within the limits of what is permitted by the *Freedom of Information and Protection of Privacy Act.*

Requests may be made verbally, electronically or in writing to the Chair of the Commission or to the CEO.

APPENDIX A FOREST LAND RESERVE & FOREST PRACTICES

The Commission has the responsibility for the regulation of forest practices on private land within the Forest Land Reserve and private-managed forest land in the Agricultural Land Reserve. As a result of the Core Services Review, the administration of forest practices will be transferred to another agency or the industry by April, 2003.

Until the transfer of forest practices is complete, the CEO is delegated by way of this Policy the Commission's authority to review and decide applications to remove land from the Forest Land Reserve submitted under the *Forest Land Reserve Act.*

In addition, the CEO will continue to exercise authority to regulate forest practices under the Private Land Forest Practices Regulation.

APPENDIX B COMMISSION SELECTION CRITERIA PROFILE

Background:

Appointments to the Land Reserve Commission (hereinafter referred to as "the Commission") are made by Order in Council under Section 5 of the *Agricultural Land Commission Act*, Statutes of BC, ..., Chapter 14. The Commission consists of at least 7 members including a Chair, one or more Vice-Chairs, and regular members.

The Commission operates as 6 (six) regional panels including the Islands, South Coast, Okanagan, Kootenays, Interior and North. In order to serve these regions effectively and responsively, 19 Commissioners are required including one Chair, 6 Vice-Chairs and 12 regular members. Each panel consists of 3 members including a Vice-Chair.

Appointments to the Commission should be consistent with this Selection Criteria Profile and any Vacancy Skills Profile(s) that may be prepared for specific vacancies from time to time. This Commission Selection Criteria Profile may be reviewed and revised by the Commission at any time.

Composition of the Commission:

In determining the composition of membership in the Commission, the Government should have regard to the following considerations:

- balanced representation of regional sub-areas;
- representation of local governments, including both regional and lower-tier governments;
- representation of the agriculture industry, including both crops and livestock;
- representation of landowners within the agricultural land reserve; and
- gender and ethnic representation.

Personal Attributes:

All appointments to the Commission should possess the following personal attributes:

- support for the public interest in agricultural land preservation;
- appreciation of the responsibilities to the public;
- high ethical standards and integrity in professional and personal dealings;
- ability and willingness to raise potentially controversial issues in a manner that encourages dialogue;
- flexibility, responsiveness and willingness to consider change;
- ability and willingness to listen to others;
- capability for a wide perspective on issues; and
- ability to work as a team member.

General Selection Criteria:

All appointments to the Commission should possess the following qualifications:

- proven decision-making ability;
- demonstrated good judgement;
- familiarity with Provincial and local government jurisdiction, organization and processes;
- familiarity with local government, agricultural, First Nation and other stakeholder issues;
- general knowledge of the issues and geography of the region they represent and, in the case of the Chair, of the province as a whole;
- experience in one or more of the following areas:
  - Provincial government;
  - local government;
  - agriculture;
  - resource and/or environmental management;
  - land use planning;
  - economics;
  - law; and/or
  - conflict resolution/mediation/negotiation;
- excellent verbal and written communication skills;
- basic computing skills including familiarity with internet e-mail; and
- a valid British Columbia driver's license and willingness to travel.

Additional Selection Criteria for the Chair and Vice-Chairs:

The Chair and Vice-Chairs appointed to the Commission should have the following additional qualifications:

- substantial knowledge of issues affecting agriculture, Provincial government and local government;
- previous experience as part of a senior management team, board, executive committee, court or administrative tribunal;
- proven leadership ability;
- demonstrated conflict-resolution and mediation skills;
- demonstrated sensitivity to stakeholder and politically sensitive issues;
- public speaking and/or presentation experience and experience dealing with the press; and
- in the case of the Chair, an existing profile and contacts with stakeholder groups, local governments and other provincial agencies.

APPENDIX C SERVICE PLAN PROCESS 2002/2003

Process for Creation and Approval

Management has the responsibility to draft the Service Plan, recommend it for approval, and to implement and monitor it. However, the Commission and management both have responsibilities that are affected by the Plan. It is therefore essential that each have involvement in the creation and approval process.

The following sets forth the responsibilities of the Commission and management with respect to the creation and approval of the Plan:

Executive Committee

- establishes steps and timeline for involvement of the Commission, its committees and panels in the approval process;
- provides management with input regarding matters within its Terms of Reference that may affect the Plan;
- reviews draft Plan and comments;
- consults with Commission Members; and
- considers and recommends approval of the final Plan to the Commission.

Panels

- review drafts and input to Executive Committee through the Vice-Chairs.

Full Commission

- Reviews and approves the Service Plan.

Management

- leads process;
- creates Plan with input from others; and
- recommends approval of Plan to the Executive Committee and the full Commission.

Once approved by the full Commission, the Plan shall not be materially altered without the further approval of the full Commission. Minor, administrative amendments that do not change the intent of the Service Plan may be approved by the Executive Committee, with consultation with Members as appropriate.

Service Plan Timelines

DATE	EVENT
October	Executive Committee meets with management/government representatives to discuss general policy priorities Semi-annual review by the Executive Committee of current year's Service Plan Executive Committee discusses general policy priorities and establishes steps and timeline for involvement of the full Commission, committees and panels
November	Meeting of full Commission to review and input on policy priorities
October - December	Management prepares draft Plan
January	Draft plan reviewed by full Commission (all members) Management amends draft Plan as necessary to reflect Commission Draft Plan distributed to Commission for consideration
February	Draft Plan discussed in detail by the Executive Committee Management prepares final Plan based on input from Executive Committee Plan distributed to Commission (all members)
March	Final Plan presented to Executive Committee for consideration. Executive Committee recommends and secures approval of the Plan by the full Commission. Final Plan submitted to Minister for endorsement and submission to the Legislative Assembly.

APPENDIX D COMMISSION FORWARD AGENDA 2002/2003

DRAFT ONLY

AGENDA ITEM MEETING DATES	A 22-26	M 21-24	J 17-21	J 22-26	A 19-23	S 23-27	O 21-25	N 18-22	D 16-20	J 20-24	F 17-21	M 17-21
A. Meeting with the Minister (Executive Committee)	X						X					
B. Financial Statements/Estimate Issues (Executive Committee & panels)												
1. Review unaudited financial statements	X						X			X		
2. Review Draft Budget										X		
C. Plans and Operations												
1. Establish steps and timeline for involvement of Commission in the Service Plan approval process (Executive Committee)							X					
2. Semi-annual review of Service Plan for current year and policy priorities for ensuing year (2 day meeting of Executive Committee)							X					
3. Review draft Service Plan Annual General Meeting of the Commission								X				
4. Approve final Service Plan (full Commission)												X
5. Receive and consider reports identified in Service Plan (Executive Committee & panels)	X	X	X	X		X	X	X	X	X		X
6. Reports of Chair and Chief Executive Officer (Executive Committee & panels)	X	X	X	X		X	X	X	X	X		X
7. Divisional Reports (panels)			X			X			X			X
8. Approve Annual Report (full Commission)		X										
9. Report on the Communication Plan (Executive Committee & panels)	X			X			X			X		

continued . . .

AGENDA ITEM	A	M	J	J	A	S	O	N	D	J	F	M
D. Application Process												
1. Review and consideration of applications (Panels)	X	X	X	X	X	X	X	X		X	X	X
2. Review of policy issues (Panels, Executive Committee & Commission)	X	X	X	X	X	X	X	X		X	X	X
3. Review and consideration of Planning Issues	X	X	X	X	X	X	X	X		X	X	X
E. Governance Matters												
1. Review Governance Policy and Terms of Reference (Annual General Meeting of the Commission)								X				
2. Commission/Panel evaluation process (Annual General Meeting of the Commission)								X				
3. Review Service Plan in context of Governance and Human Resources Issues (CEO & Executive Committee)										X		
4. Review MOU's & relationships with other agencies / ministries (Executive Committee)					X							
5. Finalize Forward Agenda (CEO)										X		